

REDACTED

AFFIDAVIT

I, Bryan J. Allen, a Task Force Officer with the Federal Bureau of Investigation (FBI),
Cleveland Division, being duly sworn, depose and state as follows:

1. I have been employed as a Canton Police Officer for approximately twenty one years, and am currently assigned to the Cleveland Division, Canton Resident Agency's Child Exploitation Task Force. While employed by the Canton Police Department and assigned to the FBI, I have assisted in the investigation of federal criminal violations related to Violent Crimes and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI's Innocent Images National Initiative training center and everyday work related to conducting these types of investigations.
2. As a task force officer having received a Special Deputization from the United States Marshal's Office, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
3. As will be shown below, there is probable cause to believe that Gary L. Fisher has knowingly used, persuaded, induced, enticed and coerced a minor to engage in sexually explicit conduct for the purpose of creating a visual depiction of such conduct, and such visual depiction has actually been transported in and affecting interstate and foreign commerce, in violation of Title 18, U.S.C., Section 2251(a).
4. I am submitting this affidavit in support of an arrest warrant authorizing the arrest of Gary L. Fisher of 3rd Ave in Mansfield, Ohio.
5. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents and Task Force Officers; written reports about this and other investigations that I have

received, directly or indirectly, from other law enforcement agents, independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a police officer and Task Force Officer with the FBI. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the complaint.

PROBABLE CAUSE

6. On December 12, 2016 TFO Ryan D. Anschutz of the FBI Child Exploitation Task Force (CETF), was contacted by SA Patrick Howley of the FBI Pittsburgh Division, and Trooper Sarah Teagarden of the Pennsylvania State Police.

7. Tpr Teagarden advised that the Pennsylvania State Police was investigating a sexual abuse of a child on 11/30/2016 at which time she made contact with a minor child (herein referred as [REDACTED] DOB: X/XX/[REDACTED]

8. On 11/30/2016 at 1415 an interview was conducted with [REDACTED] at which time she stated that she was engaging in messaging with Gary L. Fisher, [REDACTED] stated that Fisher would contact her on Facebook Messenger, text messages and through phone calls to her cell phone and ask her to send sexually explicit pictures and videos of herself. [REDACTED] stated that this occurred when she lived in [REDACTED] and continued when she moved to [REDACTED]

9. [REDACTED] stated that when she lived in [REDACTED] Fisher pressured her to have sex with him. [REDACTED] stated that Fisher inserted his penis in her vagina. [REDACTED] further stated that [REDACTED] was

aware of the sexual intercourse with [REDACTED] and Fisher and further stated that Fisher pressured [REDACTED] and [REDACTED] to "have a threesome with him." [REDACTED] "described a threesome and her and [REDACTED] both having sex with Fisher at the same time." [REDACTED] stated that she was 14 years old when this occurred. [REDACTED] stated that she only did these things with Fisher because she was afraid of him and she did not want to make him angry.

10. On December 14th, 2016 TFO Ryan D. Anschutz completed a cellular forensic examination of [REDACTED] cellular device. The exam revealed text messages between [REDACTED] and [REDACTED]. Approximately 468 SMS messages were sent between 8/11/2016 and 11/18/2016. A sample of messages are listed below:

a) messages:

1) 8/20/2016 8:44pm [REDACTED] "Did you ever promise Gary A pussy pic? Or more nudes?" "Please the truth"

[REDACTED] "I don't think so but I could be wrong"

2) 8/22/2016 9:48am [REDACTED] "Ok" "more pics"

3) 8/28/2016 7:54pm [REDACTED] "Whats a three some I asked Gary he told me to ask u"

[REDACTED] "Ill explain when we are alone"

4) 10/7/2016 10:03pm [REDACTED] "Text Gary"

5) 10/20/2016 4:36pm [REDACTED] "Thanks for enjoying, Gracy" "No [REDACTED] and [REDACTED] now have been lying to me"

[REDACTED] "Really that's why you did what you did behind my back"

[REDACTED] "I didn't mean too I really didn't"

[REDACTED] "...keep no secrets and stop texting Gary!"

6) 10/21/2016 2:12am [REDACTED] "Be friends with Gracy and don't cut her from your life I'm sorry just very upset and this got physical..."

7) 10/23/2016 1:26am [REDACTED] "That was a nice pic you sent him. Maybe I could get one clothed"

8) 10/24/2016 1:09pm [REDACTED] "What the plan for seeing Gary(Gracie)"

[REDACTED]
[REDACTED] "Do not send anymore nude pics to Gary ok" "Maybe I can find a man that won't think it's okay to continue a sexual relationship behind my back is ok"

9) 10/28/2016 10:00pm [REDACTED] "Hey can I see Gracie this weekend."

10) 11/6/2016 3:17pm [REDACTED] "Besties new number [REDACTED]"

a) It is of note that "Bestie" is also an alias for "Gracie Burger" which is an alias for Fisher. [REDACTED] had logged in her "Contacts", "Gracie Temp #" as [REDACTED] This number returns to Onvoy Inc, an online VoIP service.

9. The investigation revealed Facebook Messenger chats between Fisher and [REDACTED] which occurred in October 2016. There were approximately 1200+ messages between Fisher and [REDACTED] between 10/27/2016 and 11/6/2016. 21 images and 10 videos were sent between Fisher and [REDACTED] in that time period with 7 videos and 7 images depicting child pornography. Additional messages were located between [REDACTED] and "Gracie Burger" aka Gary Fisher. There were approximately 350-400 messages sent between 11/18/2016 and 11/27/2016. 2 videos were sent from [REDACTED] to "Gracie Burger/Bestie" depicting child pornography. The same 2 videos sent from [REDACTED] were sent back from "Gracie Burger/Bestie" to [REDACTED] later in the conversation. Listed below are a sample of the 2 video files sent between Fisher and [REDACTED], and the 2 video files sent between "Gracie Burger/Bestie" and [REDACTED]

a) video-147780246.mp4

Description: The video depicts [REDACTED] dressed in a white t-shirt and white panties sitting on a bed. [REDACTED] then lays back on the bed with the camera at her feet as she spreads her legs. Upon spreading her legs she then pulls her panties to the side, exposing her genitalia, at which time she penetrates her genitalia with her fingers. The video is 1 min 34 seconds in length.

b) video-1477802468.mp4

Description: The video depicts [REDACTED] dressed in a white t-shirt and white panties sitting on a bed. [REDACTED] then lays on her back and spreads her legs with the camera at her feet. [REDACTED] then pulls her panties to the side, exposing her genitalia, at which time she penetrates her genitalia with her fingers. The video is 1 minute in length.

c)video-1479664261.mp4

Description: The video depicts [REDACTED] sitting on a bed dressed in a red bra and blue panties with white dots. [REDACTED] then lays on her back, spreading her legs to get a visual of her covered genitalia, at which time she then turns around and bends over in front of the camera showing her covered buttocks. [REDACTED] then lays back down on the bed, removes her panties to expose her genitalia at which time she spreads her genitalia open with her fingers. The video is 2 minutes 27 seconds in length.

d)video-1479664460.mp4

Description: The video depicts [REDACTED] laying on a bed with a red bra on, and her genitalia exposed. [REDACTED] then spreads her legs exposing her genitalia and spreading her genitalia open with her fingers for the camera. The video is 1 minute 46 seconds in length.

e) messages:

1) 10/27/2016 9:57pm-10:10pm Fisher: "I want to see up inside your pussy"

[REDACTED] "I'll try and do that"

Fisher: "Try really hard"

█ "Okayt"

Fisher: "I have your pictures done" "What did you think of the pic i sent earlier"

█ "Good"

Fisher: "Only good?" "What pic are you talking about" "Not what I was hoping for but okay"

█ ***Image transmitted of white panties on █***

Fisher: "Yes like that"

█ "What pic r u talking about"

Fisher: "Dick"

█ "Really good pic"

Fisher: "of a really horny good dick"

█ ***Image transmitted of female legs spread and fingers spreading genitalia open***

Fisher: "More open"

█ ***Image transmitted of female legs spread and fingers spreading genitalia open***

Fisher: "A little more"

█ ***Image transmitted of female legs spread and fingers spreading genitalia open***

█ "That good"

Fisher: "Want to see the hole"

█ ***Image transmitted of female legs spread and fingers spreading genitalia open***

Fisher: "To far up"

█ "Is that good enough i really tried to"

- 2) On 10/27/2016 between 10:12pm and 11:37pm Fisher continues to talk about wanting 6 more pictures from [REDACTED] howing her in different panties and [REDACTED] is resistant to this request because of [REDACTED] [REDACTED] ends up sending 6 pictures to Fisher of her in panties focused on her covered genitalia area. Fisher then requests to talk about sex, at which time they engage in sexually explicit conversation about what Fisher wants to do with [REDACTED] sexually. Fisher also requests [REDACTED] send an image of her face with naked body, of which she does at 11:26pm and 11:28pm with her face and exposed breasts.
- 3) 10/29/2016 between 1:26am and 4:04am: After more conversation and videos sent to Fisher from [REDACTED] stops messaging Fisher after he has given her instructions on more videos to send, such as "It better be eight minutes long" "with panties on and I want to see your finger going in and out" "make sure the camera gets it or you will redo it." Fisher becomes upset with [REDACTED] does not return his messages, Fisher then attempts to message, call and video chat her several times to no avail. At 1:57am he sent a video with black background and his voice stating "Bad news you lost the game." Fisher continues attempting contact with [REDACTED] to no avail and at 4:04am he sends another video to [REDACTED] with his face visible in the camera stating "you are playing a game you cannot win, so if I was you I would send that freaking video, I'd stop trying to play this game your tryin' to play."
- 4) 10/29/2016 Fisher: "Dissapoint me or not make them so I can see white panties pussy and finger inside pussy and life will not be pretty" "Understood?"
- 5) Fisher: "Say it"
- [REDACTED] "Say what"

Fisher: "I understand [REDACTED] and I wont do anything to disappoint or hurt you just like I know you would never disappoint or hurt me [REDACTED] "Because we love each other"

[REDACTED] "I understand [REDACTED] and I wont do anything to dissapoint or hurt you just like I know you would never disappoint or hurt me [REDACTED] Because we love each other"

Fisher: "Yes" "Video as soon as you get home."

6) 10/29/2016 9:10pm [REDACTED] "Text me the info"

Fisher: [REDACTED] if that dont work

[REDACTED] Just use the [REDACTED] address To send it
And [REDACTED] for me to recieve it"

a) It is of note upon sending these email addresses to [REDACTED] it appears Fisher gives [REDACTED] the email account and password so she can login to the email account and send the videos he requested to the email he provided for her.

7) 10/29/2016 between 10:12pm and 10:29pm Fisher: "You have ten minutes to get ahold of me or I start talking" "Do you want to live over there for the next two and half years?" "You are not going to win this fucking game you are trying to play."

8) 10/30/2016 12:12am Fisher: "I just want my videos" "And my [REDACTED]"

9) [REDACTED] "Hey did u get the videos I sent" (two pictures of video prompt appears on messenger) "On messenger"

Fisher: "Just got two of them" "Looked at the first one good job"

[REDACTED] "Okay it would only let me sent two"

Fisher: "Good job" "I love you"

█ "Thanks" "love u too"

Fisher: "Can we do all videos like that from now on"

█ "Ya"

Fisher "Different panties" "Thank you"

10) 10/30/16 6:16am Fisher: "I guess since you are so happy living over there and I just seem to be a pain in your ass you can (if you want) keep sending me videos and I will leave you alone. This way you can move on and be happy with your parents and new boyfriend. Unless you want to have a long distance relationship. I figure since I am not good enough to talk to or be notified that you are done talking to me I will leave you alone so you can enjoy your time with your █"

█ I will love you forever █

"I will make sure the pics and vids find the proper people"

█ "What the hell r u talking about █"

Fisher: "Why the hell didn't you text me back" █ loves you and I told you before I get worried if I don't hear from you."

11) 10/31/2016 5:12am Fisher: "I am missing you like crazy! I wish you and █ were here right now! Hope to see you soon! Love Always █"

10. On December 15, 2016 Gary L. Fisher was interviewed at the Richland County Jail after being advised of his Miranda warnings. Fisher admitted to having a Facebook account under "Gary Fisher" and stated that he only spoke to █ "only a couple times" and their conversation consisted of "I love you and I miss you." Fisher advised that he de-activated his Facebook account when requested to do so by his parole officer. Fisher stated that he assumed a █

11. On December 14th, 2016 TFO Ryan D. Anschutz completed a cellular forensic examinati

on of [REDACTED] cellular device. The forensic exam revealed the number [REDACTED] to be logged within "Contacts" under "Gracie Burger" (this was an alias used to refer to Fisher by TG and TG's mother), and a deleted contact "Garbear" with the same number, [REDACTED]

CONCLUSION

12. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that Gary L. Fisher did knowingly use, persuaded induce, entice and coerce a minor to engage in sexually explicit conduct for the purpose of creating a visual depiction of such conduct, and such visual depiction has actually been transported in and affecting interstate and foreign commerce, in violation of Title 18, U.S.C., Section 2251(a).

Bryan J. Allen
Task Force Officer
Federal Bureau of Investigation

Sworn and subscribed before me this 6th day of January, 2017

David A. Ruiz
UNITED STATES MAGISTRATE JUDGE